IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPL. NO. 4457 OF 2004.
IN
CRIMINAL APPEAL NO. 1233 OF 2004.

Eknath Soma Waghire. ..Applicant.

VERSUS.

The State of Maharashtra. ..Respondent.

...

Mr. Naveen Chomal for the applicant.

Smt. V.R.Bhosale, APP for the State.

CORAM: S. B. MHASE &
ANOOP V. MOHTA, JJ.

DATE : DECEMBER 15, 2004.

P.C.:-

1. Heard. This is application for suspension of sentence and grant of bail. The deceased is a boy of 4 years and 6 months old, named Roshan. After his disappearance, after 12 days the scull was found in the jungle. The cause of death is not known. The only evidence is that the accused was seen last together with the deceased on one day, however, when that date is also not disclosed. There is no motive for the accused to commit the offence. The accused was also from some other place and had come there for employment. The accused - applicant was on bail during the trial. All these facts persuade us to suspend the sentence of the applicant and grant him bail. In the circumstances, we pass the

following order.

O R D E R

(1) The sentence awarded by t Sessions Judge, Nashik in Sessions Case No. 97 of 2003 vide its judgment dated 9.7.2004 on Eknath Soma Waghire is hereby suspended till the final disposal of the appeal.

(2) The applicant be released on bail of Rs.15,000/- with a like surety.

(3) After the release, the accused - applicant shall furnish his address of residence to Wani police station and shall not change the same till the final disposal of the appeal.

(4) The applicant shall attend the Wani police station once in a week, on Sunday during 10.00 to 12.00 a.m.

(5) Application is accordingly disposed of.

(ANOOP V.MOHTA, J.) **(S.B.MHASE,J.)**